

*original*

General Complaint

**FILED**  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF TEXAS

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS

JUL 25 2014

DAVID J. MALAND, CLERK  
BY  
DEPUTY \_\_\_\_\_

Lisa Adams

Case Number : 1:14cv390

List the full name of each plaintiff in this action.

The Shire Apartments, LTD  
VS. The Shire Apartments, GP, LLC  
Prodigem, LLC

*Cherise Braquet*  
*Michelle Sanders*

Tina Tullock-Coker, V.P  
Tiffany Kidwell

List the full name of each defendant in this action.

Do not use "et al".

Attach additional pages if necessary.

I. ATTEMPT TO SECURE COUNSEL:

Please answer the following concerning your attempt to secure counsel.

A. In the preparation of this suit, I have attempted to secure the aid of an attorney as follows: (circle one)

- ① Employ Counsel
2. Court - Appointed Counsel
3. Lawyer Referral Service of the State Bar of Texas,  
P. O. Box 12487, Austin, Texas 78711.

B. List the name(s) and address(es) of the attorney(s):

Mark Lazarz

11 Greenway Plaza, Ste. 1515

Houston, TX. 77046

*David Kahne*  
*2711 Main*

*Houston, TX, 77002*

*Mark Grandich*  
*Lone Star Legal Aid*

C. Results of the conference with counsel:

Turned down.

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II. List previous lawsuits:

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action or any other incidents?        Yes   ✓   No

B. If your answer to "A" is "yes", describe the lawsuit in the space below.  
If there is more than one lawsuit, attach a separate piece of paper describing each.

1. Approximate file date of lawsuit: \_\_\_\_\_

2. Parties to previous lawsuit(s):

Plaintiff \_\_\_\_\_

Defendant \_\_\_\_\_

Attach a separate piece of paper for additional plaintiffs or defendants.

3. Identify the court the lawsuit was filed. If federal, name the district. If state, name the county.

\_\_\_\_\_

4. Docket number in other court. \_\_\_\_\_

5. Name of judge to whom the case was assigned.

\_\_\_\_\_

6. Disposition: Was the case dismissed, appealed or still pending?

\_\_\_\_\_

7. Approximate date of disposition. \_\_\_\_\_

III. Parties to this suit:

A. List the full name and address of each plaintiff:

Pla #1 Lisa Adams  
P.O. Box 33  
Nederland, TX, 77627

Pla #2 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

B. List the full name of each defendant, their official position, place of employment and full mailing address.

Dft #1: The Shire Apartments, LTD  
3821 Juniper Trace # 208  
Bee Cave, TX, 78738

Registered Agent:  
 William P. Wenson

Dft #2: The Shire Apartments, GP, LLC  
3821 Juniper Trace #208  
Bee Cave, TX, 78738

Registered Agent:  
 Michelle M. Wenson

Dft #3 Prodigem, LLC  
3821 Juniper Trace #208  
Bee Cave, TX, 78738

Attach a separate sheet for additional parties.

- ④ Tina Tollock-Coker, Vice President  
 3821 Juniper Trace # 208  
 Bee Cave, TX, 78738
- ⑤ Tiffany Kidwell - Manager  
 The Shire Apartments  
 #020 Hwy. 365  
 Port Arthur, TX, 77642
- ⑥ Michelle Sanders - Former Manager  
 The Avenues Apts. of the Shire Apartments  
 2900 Nederland Ave,  
 Nederland, TX, 77627

- ⑦ Cherise Braguet  
 (Former leasing agent  
 for the Shire Apartments)  
 2311 Little John  
 Groves, TX, 77619

IV: Statement of Claim:

State as briefly as possible the fact of your case. Describe how each defendant is involved. Include the names of other persons involved with dates and places. Do not give any legal arguments or cite cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need, attaching additional pages if necessary.

Fair Housing

Personal Injury

Please see attached complaint.

## Complaint

### I. NATURE OF THE CASE

1. This action seeks relief against Defendants for their unlawful retaliation against Plaintiff based on Plaintiff's protected activity and discrimination based on disability and source of income. This action is brought pursuant to the Fair Housing Act, 42 U.S.C. § 3601 et seq, as well as related and other federal laws.

### II. JURISDICTION AND VENUE

2. A. This Court has JURISDICTION pursuant to 28 U.S.C. § 1331 in that the claims alleged herein arise under the laws of the United States, specifically the Fair Housing Act, 42 U.S.C. § 3601-3619. This Court has supplemental jurisdiction pursuant to 28 U.S.C. § 136 to hear and determine Plaintiffs' state law claims because those claims are related to Plaintiffs' federal law claims and arise out of a common nucleus of related facts.

B. VENUE is proper in the Eastern District of Texas under 28 U.S.C. 1391 (b)(2) because the events or omissions giving rise to these claims occurred in this district and the Defendants conduct business in this district. This Court has authority to grant declaratory and injunctive relief as well as compensatory and punitive damages pursuant to 42 U.S.C.. The Court also has the authority, ' to award reasonable attorney's fees and costs to a prevailing part1,I pursuant to 42 U.S.C. § 3613 {c} [2).

3. The Shire Apartments units are dwellings within the meaning of the Fair Housing Act, 42 U.S.C. § 3602(b)

4. Plaintiff is a disabled individual as defined by the Fair Housing Act, 42 U.S.C. § 3602(h) and for all times relevant to this matter, was a resident of Defendants property, The Shire Apartments, located at 4020 HWY. 365 in Port Arthur, Texas. Plaintiff is an aggrieved person pursuant to Sec. 802. [42 U.S.C. 3602 (i)(1).

5. The Shire Apartments is a section 42 multi-family low income housing tax credit "LIHTC" complex located in Port Arthur, Texas operating under a Land Use Restriction Agreement filed with the Jefferson County Clerk's office as document #2005039185.

6. Plaintiff assisted an individual with a "disability" as defined by the Fair Housing Act, 42 U.S.C. § 3602(h) in applying for tenancy at The Shire Apartments and in filing a timely complaint alleging discrimination in housing on the basis of disability with the United States Department of Housing and Urban ("HUD"), pursuant to Section 810(a) of the Fair Housing Act, 42 U.S.C. § 3610(a). Plaintiff attempted to inform Defendants they were in violation of Section 804(f)(2)(C) of the Act by imposing different terms and conditions on a disabled applicant and failing to consider or discuss reasonable accommodation in application process and Defendants retaliated against Plaintiff.

7. In her own complaint to HUD, Ms. Adams alleged that the defendants engaged in

unlawful retaliation and intimidation against her for assisting a disabled individual in applying for tenancy at The Shire Apartments.

8. Defendants coerced, intimidated, threatened, interfered with, and retaliated against Plaintiff in violation of 42 U.S.C. § 3617, Section 804 of the Fair Housing Act. 42 U.S.C. § 3617; 24 C.F.R. §§ 100.400, Texas Property Code, Subchapter 8, Treas. Reg. § 1.42-5(c)(1)(xi), Texas Administrative Code Sec. 60.110, 24 CFR 880.607, 12 U.S.C. 1715z-1b, Defendant's Land Use Restriction Agreement, the lease, the HUD Housing Assistance Payment Contract Part C.

9. when they hung up the phone, told her to stop calling, and sent Plaintiff an email stating that her own tenancy was in jeopardy if she did not cease assisting the applicant in requesting reasonable accommodation, requesting the reason for denial in writing and attempting to negotiate and discuss the reasons with management after months of delays, contradictory answers, and inaction which Plaintiff and the disabled individual perceive as stonewalling and constructive denial ;

9. filed suit for eviction of Plaintiff within hours or days of receiving service of her fair housing complaint filed with the Department of Housing and Urban Development. On information and belief removed the citation from Plaintiff's door;

10. had Plaintiff's section 8 voucher cancelled;

11. sent Plaintiff notice that her lease would not be renewed without cause, filing two more evictions;

12. subjected Plaintiff to demeaning, threatening, humiliating, and derogatory statements because of her protected activity on behalf of a disabled person, and because of her own disability and source of income;

13. inflicted intentional emotional distress;

14. slandered, libeled and invaded the privacy of Plaintiff;

14. The discriminatory actions of the defendants described above were intentional, willful and taken in disregard of the rights of Plaintiff;

15. and retaliatory conduct is continuing.

#### RELIEF

WHEREFORE, Plaintiff prays that the Court:

Grants declaratory judgment, injunction and awards such actual damages as would fully compensate Plaintiff for the injuries occasioned by defendants' discriminatory and retaliatory conduct, awards compensatory damages, punitive damages to Plaintiff, attorney fees, and costs.

Plaintiff further prays for such additional relief as the interests of justice may require and to which she may show herself entitled.

V. Relief: State Briefly exactly what you want the court to do for you. Make no legal arguments and do not cite cases or statutes. Attach additional pages if necessary.

Actual & punitive damages, Declaratory  
judgment, Compensatory attorney fees, costs,  
injunction.

Will amend as soon as possible.

Signed this 24<sup>th</sup> day of July, 20 14.  
(Month) (Year)

Lisa Adams Lisa Adams

P.O. Box 33

Nederland, TX. 77627

(409) 225-8463

La 0572@Mail.com

I declare (certify, verify or state) under penalty of perjury that the foregoing is true and correct.

Executed on: 7/24/14  
Date

~~Lisa Adams~~  
Lisa Adams

State of Texas  
County of Jefferson

Signature of each plaintiff

This instrument was acknowledged before me on July 24, 2014 by  
Lisa Faye Adams:

Gary Ferguson  
Notary

